

NOTICE OF VIOLATION

Nº 21860

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCESDIVISION
OF

MINERAL RESOURCES

2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-1159

ADDRESS: 43521 MAYHUGH HILL RD. TWP. RD 38

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716 6-15 2006

APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.16 (A)(7)(a)(b).

O.A.C. 1501:13-13-03 (A)(C).

DESCRIPTION OF VIOLATION: THE PERMITTEE HAS FAILED TO
SEGREGATE AND STOCK PILE PRIME FARMLAND
SOILS PRIOR TO DISTURBING, BY MINING.(A) REMEDIAL ACTION & ABATEMENT TIME: SEGREGATE, STOCK PILE
AND PROTECT ALL PRIME FARMLAND SOILS
NECESSARY TO COMPLETE THE P.F.L. RESTORATION
ON THE DISTURBED AREA. TIME: 5:00 ^{a.m.}_{p.m.} DATE: 7-28 2006

(B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: _____, 19 _____
^{a.m.}_{p.m.}SERVED TO: Melann Murray BY: J. Putay TIME: 5:00 ^{a.m.}_{p.m.} DATE: 6-29-06
Mailed 7-12-06 Authorized RepresentativeEXTENDED TO: 5:00 ^{a.m.}_{p.m.} 9-13 2006 EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 10-13 2006

Served to: Mailed Date: 8-3-06 Served to: Mailed Date: 9-26-06

By: J. Putay Date: 7-28-06 By: J. Putay Date: 9-25-06

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 11-13 2006 EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 12-30 2006

Served to: Mailed Date: 11-7-06 Served to: Mailed Date: 11-21-06

By: J. Putay Date: 11-6-06 By: J. Putay Date: 11-20-06

MODIFIED: _____, 19 _____ To: _____ By: _____

NON-COMPLIANCE: _____, 19 _____ To: _____ By: _____

Cessation Order Issued? _____ yes _____ no If no, explain _____

VACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: 12-31 2006 To: MAILED 01/11/07 By: J. Putay

AEC 12149

NOTICE OF VIOLATION

Nº 21860

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APPLICABLE STATUTE AND/OR RULE:

O.R.C. 1513.16 (A)(7)(a)(b).
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DESCRIPTION OF VIOLATION:

THE PERMITTEE HAS FAILED TO
SEGREGATE AND STOCK PILE PRIME FARMLAND
SOILS PRIOR TO DISTURBING, BY MINING.

(A) REMEDIAL ACTION & ABATEMENT TIME:

SEGREGATE, STOCK PILE
AND PROTECT ALL PRIME FARMLAND SOILS
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ON THE DISTURBED AREA. TIME: 5:00 ^{a.m.}_{p.m.} DATE: 7-28-2006

(B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: _____ ^{a.m.}_{p.m.} DATE: _____, 19 _____

SERVED TO:

Melanie Murray
Mailed 7-12-06

BY:

J. Pitarz
Authorized Representative

TIME:

5:00 ^{a.m.}_{p.m.}

DATE:

6-27-06

EXTENDED TO:

5:00 ^{a.m.}_{p.m.} 9-13-2006

EXTENDED TO:

5:00 ^{a.m.}_{p.m.} 10-13-2006

Served to:

Mailed

Date:

8-3-06

Served to:

Mailed

Date:

9/26/06

By:

J. Pitarz

Date:

7-28-06

By:

J. Pitarz

Date:

9-25-06

EXTENDED TO:

5:00 ^{a.m.}_{p.m.} 11-13-2006

EXTENDED TO:

5:00 ^{a.m.}_{p.m.} 12-30-2006

Served to:

Mailed

Date:

11-7-06

Served to:

Mailed

Date:

11-21-06

By:

J. Pitarz

Date:

11-6-06

By:

J. Pitarz

Date:

11-20-06

MODIFIED:

, 19 _____

To:

By:

NON-COMPLIANCE:

^{a.m.}_{p.m.}

, 19 _____

To:

By:

Cessation Order Issued?

yes

no

If no, explain _____

VACATED:

, 19 _____

To:

By:

TERMINATED:

, 19 _____

To:

By:

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(B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: a.m. DATE: , 19

SERVED TO: Melanie Murray BY: J. Putay TIME: 5:00 a.m. DATE: 6-27-06
Mailed 7-12-06 Authorized Representative

EXTENDED TO: 5:00 a.m. 9-13-2006 EXTENDED TO: 5:00 a.m. 10-13-2006

Served to: Mailed Date: 8-3-06 Served to: Mailed Date: 9/26/06
By: J. Putay Date: 7-28-06 By: J. Putay Date: 9-25-06

EXTENDED TO: 5:00 a.m. 11-13-2006 EXTENDED TO: a.m. , 19

Served to: Mailed Date: 11-7-06 Served to: Date:
By: J. Putay Date: 11-6-06 By: Date:

MODIFIED: , 19 To: By:

NON-COMPLIANCE: a.m. , 19 To: By:

Cessation Order Issued? yes no If no, explain

TERMINATED: , 19 To: By:

TERMINATED: , 19 To: By:

*Sent To
ODNR
Main Office*

*Ryan-Murphy
Signed off*

*Sent
August 31st*

Civil Penalty Assessment
Ohio Department of Natural Resources
DIVISION OF MINERAL RESOURCES MANAGEMENT

2045 Morse Rd., Bldg. H-3
Columbus, Ohio 43229-6693

8/15/2006

*Dec 13, 2016
Closed out Bank*

DEMAND FOR PAYMENT

American Energy Corporation
43521 May Hugh Hill Rd., Twp. 88
Beallsville, OH 43716

SUBJECT: FINAL CIVIL PENALTY ASSESSMENT NUMBER 12414

For Notice Of Violation Order Number 21860, Permit Number D-1159 issued on, June 15, 2006, the permittee is hereby issued a final civil penalty assessment in the total amount of \$1,100.00.

The above civil penalty shall be submitted to the Division of Mineral Resources Management, 2045 Morse Road, Building H-3, Columbus, Ohio 43229-6693, within thirty (30) days after actual or constructive receipt of this assessment. Please submit a copy of this final civil penalty assessment with your payment.

Michael L. Sponsler
Michael L. Sponsler, Chief
Division of Mineral Resources Management

Pursuant to Sections 1513.02 and 1513.13 O.R.C. and 1501: 13-14-03 O.A.C., this assessment may be appealed by filing a notice of appeal and forwarding the amount of penalty, for placement in a escrow account, with the Reclamation Commission, Ohio Department of Natural Resources, 2045 Morse Rd., Bldg. C-2 Columbus, Ohio 43229 within thirty (30) days after it is issued, and by filing a copy of the notice of appeal with the chief within three (3) days after it is filed with the Reclamation Commission. The notice of appeal shall contain a copy of the civil penalty assessment and worksheets and the grounds upon which the appeal is based.

Signature Confirmation # 91 3408 2133 3931 0317 6324

cc: John Puterbaugh
Scott Stiteler
File

21546

AEC 12152

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

N.O.V.# 21860 PERMIT #: D-1159 CPA # 12414

SERIOUSNESS: Total: \$400.00

1) YES ☒ Did the violation cause damage to permitted or unpermitted land? (\$400.00)
No ☐

2) Yes ☐ Did the violation cause irreparable or irreversible damage to permitted or unpermitted land? (\$400.00)
NO ☒

3) Yes ☐ Did the violation cause a situation which increased the probability of the public health or safety being adversely affected? (\$400.00)
No ☒

4) Yes ☐ If an administrative violation (e.g. maps, permits, blast records, failure to notify for inspection purposes, etc.), did the violation obstruct enforcement or deny the Division or public the opportunity to exercise enforcement or permitting requirements? (\$200.00)
No ☐
NA ☒

Explain:

A prime farmland area has been contaminated by the construction of a graveled parking lot & by mining sandstone on a small area. Over 3 acres has been improperly disturbed.

Negligence: TOTAL: \$700.00

5) YES ☒ Was the violation avoidable by the exercise of reasonable care? (\$200.00)
NO ☐

6) YES ☒ Was the violation a reckless act or a result of recklessness (\$500.00)
NO ☐

7) YES ☐ Was the violation knowingly or intentionally committed for economic gain from production (i.e. removal of overburden and/or coal)? (\$2,200.00)
NO ☒

Explain:

The permittee should be keenly aware of the permit requirements to segregate, stockpile, and protect all prime farmland soils. Failure to do so was careless & reckless.

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

PERMITTEE: American Energy Corp. Permit #: D-1159

INSPECTOR: J. Puterbaugh INSPECTION DATE: 6-15-06 NOV#: 21860

HISTORY: TOTAL: \$0.00

(For violations issued on the same permit during the last twelve calendar months.)

- 8) Number of Violations 0 @ \$100.00 for each duplication of the same violation
9) Number of Violations 0 \$100.00 for each failure to abate cessation order
10) Number of Violations 0 @ \$20.00 each for all other violations

PROPOSED ASSESSMENT TOTAL: \$1100.00
Date: 7-14-06

PATTERN OF VIOLATIONS REVIEWED

GOOD FAITH: Minus 25% of Assessment Total

- 11) Yes _____ Did the permittee take **EXTRAORDINARY** actions to abate
NO _____ the violation in the shortest possible time and date the
N/A X violation before the time set for abatement? See
attached Good Faith Compliance Report.)

FINAL ASSESSMENT TOTAL: \$1100.00
DATE: 8-15-06

NOTE: Any proposed and final assessment of \$500.00 or less may be waived if the violation did not cause irreparable damage or affect public health or safety, and if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

NOTICE OF VIOLATION

Nº 21860

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION

OF

MADE
MINERAL RESOURCES,
2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-1159
 ADDRESS: 43521 MAYHUGH HILL RD. TWP. RD 88 DISCOVERY DATE: 6-15-2006
BEALLSVILLE, OHIO 43716
 APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.16 (A)(7)(a)(b).
O.A.C. 1501:13-13-03 (A)(C).
 DESCRIPTION OF VIOLATION: THE PERMITTEE HAS FAILED TO
SEGREGATE AND STOCK PILE PRIME FARMLAND
SOILS PRIOR TO DISTURBING, BY MINING.

(A) REMEDIAL ACTION & ABATEMENT TIME: SEGREGATE, STOCK PILE
AND PROTECT ALL PRIME FARMLAND SOILS
NECESSARY TO COMPLETE THE P.F.L. RESTORATION
ON THE DISTURBED AREA. TIME: 5:00 ^{a.m.}/_{p.m.} DATE: 7-28-2006

(B) REMEDIAL ACTION & ABATEMENT TIME: _____

TIME: _____ ^{a.m.}/_{p.m.} DATE: _____, 19 _____

SERVED TO: Melanie Murray BY: J. Putney TIME: 5:00 ^{a.m.}/_{p.m.} DATE: 6-29-06
Mailed 7-12-06 Authorized Representative

EXTENDED TO: 5:00 ^{a.m.}/_{p.m.} 9-13-2006 EXTENDED TO: 5:00 ^{a.m.}/_{p.m.} 10-13-2006

Served to: Mailed Date: 8-3-06 Served to: Mailed Date: 9-26-06

By: J. Putney Date: 7-28-06 By: J. Putney Date: 9-25-06

EXTENDED TO: _____ ^{a.m.}/_{p.m.} _____, 19 _____ EXTENDED TO: _____ ^{a.m.}/_{p.m.} _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19 _____ To: _____ By: _____

NON-COMPLIANCE: _____ ^{a.m.}/_{p.m.} _____, 19 _____ To: _____ By: _____

Cessation Order Issued? _____ yes _____ no. If no, explain _____

VACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: _____, 19 _____ To: _____ By: _____

NOTICE OF VIOLATION

No 21860

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2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-1159

ADDRESS: 43521 MAYHUGH HILL RD. TWP. RD 88

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716

6-15-2006

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TIME: _____ ^{a.m.} _{p.m.} DATE: _____, 19 _____

SERVED TO: Melanie Murray BY: J. Putay TIME: 5:00 ^{a.m.} _{p.m.} DATE: 6-29-06
Mailed 7-12-06 Authorized Representative

EXTENDED TO: 5:00 ^{a.m.} _{p.m.} 9-13-2006 EXTENDED TO: _____ ^{a.m.} _{p.m.} _____, 19 _____

Served to: Mailed Date: 8-3-06 Served to: _____ Date: _____

By: J. Putay Date: 7-28-06 By: _____ Date: _____

EXTENDED TO: _____ ^{a.m.} _{p.m.} _____, 19 _____ EXTENDED TO: _____ ^{a.m.} _{p.m.} _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19 _____ To: _____ By: _____

NON-COMPLIANCE: _____ ^{a.m.} _{p.m.} _____, 19 _____ To: _____ By: _____

Cessation Order Issued? _____ yes _____ no. If no, explain _____

VACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: _____, 19 _____ To: _____ By: _____

Civil Penalty Assessment
Ohio Department of Natural Resources
DIVISION OF MINERAL RESOURCES MANAGEMENT
2045 Morse Rd., Bldg. H-3
Columbus, Ohio 43229-6693

July 14, 2006

PROPOSED CIVIL PENALTY ASSESSMENT

American Energy Corp.
43521 May Hugh Hill Rd. Twp. Rd. 88
Beallsville, OH 43716

SUBJECT: PROPOSED CIVIL PENALTY ASSESSMENT NUMBER 12414

For Notice of Violation Number 21860, Permit Number D-1159 issued on June 15, 2006, the permittee is hereby issued a proposed civil penalty assessment in the total amount of \$1100.00 NO PAYMENT IS REQUIRED UNTIL A FINAL ASSESSMENT IS ISSUED OR AN APPEAL IS FILED WITH THE RECLAMATION COMMISSION.

Failure to abate the Notice of Violation within the prescribed abatement time shall result in an additional civil penalty assessment of at least \$750.00 for each day during which such failure continues, up to thirty (30) days.


Michael L. Sponsler, Chief
Division of Mineral Resources Management

Pursuant to Sections 1513.02 and 1513.13 O.R.C. and 1501: 13-14-03 O.A.C., this assessment may be appealed by filing a notice of appeal and forward the amount of penalty, for placement in a escrow account, with the Reclamation Commission, Ohio Department of Natural Resources, 2045 Morse Rd., Bldg. C-2, Columbus, Ohio 43229 within thirty (30) days after it is issued, and by filing a copy of the notice of appeal with the chief within three (3) days after it is filed with the Reclamation Commission. The notice of appeal shall contain a copy of the civil penalty assessment and worksheets and the grounds upon which the appeal is based.

You may request an informal conference to review the AMOUNT of this assessment by writing to Gregory Mills, Division of Mineral Resources Management, 34 Portsmouth Street, Jackson, OH, 45640, within fifteen (15) days after receipt of this assessment. Time allowed for appeal to the Reclamation Commission shall be tolled from time the written request is received to the time the assessment is revised or upheld.

Signature Confirmation # 91-3408 2133 3931 0317 6256

cc: John Puterbaugh
File

AEC 12157

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

N.O.V. # 21860 PERMIT #: D-1159 CPA # 12414

SERIOUSNESS: Total: \$400.00

1) YES X Did the violation cause damage to permitted or
unpermitted land? (\$400.00)
No _____

2) Yes _____ Did the violation cause irreparable or irreversible
damage to permitted or unpermitted land? (\$400.00)
NO X

3) Yes _____ Did the violation cause a situation which increased the
probability of the public health or safety being
adversely affected? (\$400.00)
No X

4) Yes _____ If an administrative violation (e.g. maps, permits,
blast records, failure to notify for inspection
purposes, etc.), did the violation obstruct
enforcement or deny the Division or public the
opportunity to exercise enforcement or permitting
requirements? (\$200.00)
NA X

Explain:

A prime farmland area has been contaminated by the construction of a graveled parking lot & by mining sandstone on a small area. Over 3 acres has been improperly disturbed.

Negligence: TOTAL: \$700.00

5) YES X Was the violation avoidable by the exercise of
NO _____ reasonable care? (\$200.00)

6) YES X Was the violation a reckless act or a result of
NO _____ recklessness (\$500.00)

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NO X committed for economic gain from production (i.e.
removal of overburden and/or coal)? (\$2,200.00)

Explain:

The permittee should be keenly aware of the permit requirements to segregate, stockpile, and protect all prime farmland soils. Failure to do so was careless & reckless.

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

PERMITTEE: American Energy Corp. Permit #: D-1159

INSPECTOR: J. Puterbaugh INSPECTION DATE: 6-15-06 NOV#: 21860

HISTORY: TOTAL: \$0.00

(For violations issued on the same permit during the last twelve calendar months.)

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PROPOSED ASSESSMENT TOTAL: \$1100.00

Date: 7-14-06

PATTERN OF VIOLATIONS REVIEWED

GOOD FAITH: Minus 25% of Assessment Total

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NO _____ the violation in the shortest possible time and date the
N/A _____ violation before the time set for abatement? See
attached Good Faith Compliance Report.)

FINAL ASSESSMENT TOTAL: \$

DATE: _____

NOTE: Any proposed and final assessment of \$500.00 or less may be waived if the violation did not cause irreparable damage or affect public health or safety, and if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

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PERMIT NO: D-1159

ADDRESS: 43521 MAYHUGH HILL RD. TWP. RD 88

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(B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: _____ a.m. _____ p.m. DATE: _____, 19 _____

SERVED TO: Melann Murray
Mailed 7-12-06

BY: J. Putay
Authorized Representative

TIME: 5:00 ^{a.m.} ~~p.m.~~ DATE: 6-29-06

EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____ EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____ EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19 _____ To: _____ By: _____

NON-COMPLIANCE: _____ a.m. _____ p.m. _____, 19 _____ To: _____ By: _____

Cessation Order Issued? _____ yes _____ no. If no, explain _____

ACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: _____, 19 _____ To: _____ By: _____

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Authorized Representative TIME: 5:00 a.m. p.m. DATE: 6-27-06

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Served to: Date: Served to: Date:

By: Date: By: Date:

EXTENDED TO: a.m. p.m. , 19 EXTENDED TO: a.m. p.m. , 19

Served to: Date: Served to: Date:

By: Date: By: Date:

MODIFIED: , 19 To: By:

NON-COMPLIANCE: a.m. p.m. , 19 To: By:

Cessation Order Issued? yes no If no, explain

ACATED: , 19 To: By:

TERMINATED: , 19 To: By: